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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Hager Telecom, Inc.

Request for Waiver of Carrier
Identification Code Requirement

CC Docket No. 92-237

To: The Common Carrier Bureau

REQUEST FOR WAIVER

Hager Telecom, Inc., by its attorneys and pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, and the Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking (Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)), CC Docket No. 92-237, FCC 97-386, para. 24, released Oct. 22, 1997 [hereinafter Order], requests waiver of the requirement to support four-digit CICs by January 1, 1998.

In the Order, para. 20, the Commission required local exchange carriers (LECs) that provide equal access to accept four-digit CICs by January 1, 1998. The Commission recognized that some LECs may not be able to convert their switches by that deadline, and stated that a LEC that will not meet that deadline should seek relief from the Commission. As discussed below, Hager Telecom currently provides equal access but cannot support four-digit CICs. Hager Telecom plans to replace its switch by the end of 1998. Hager Telecom therefore requests a waiver of

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the requirement to support four-digit CICs until it replaces its switch by the end of 1998.

Need for Waiver

Hager Telecom is small, rural LEC supporting approximately 1950 lines in rural Wisconsin. Currently, Hager Telecom uses a Siemens Stromberg Carlson DCO Switch with Release 17.0 software. This Release does not support four-digit CICs. Upgrading the switch to support four-digit CICs would cost \$258,000.

However, Hager Telecom plans to replace the switch by the end of 1998 with a remote switch connected to a NorTel host switch owned by West Wisconsin Telecom Cooperative, Inc. (West Wisconsin). Hager Telecom currently is in the process of obtaining a loan from RUS for the switch. After the loan is granted, Hager Telecom will order the switch from NorTel. Delivery likely will be 10 months after the order is placed. In the meantime, Hager Telecom has begun work on the fiber link between Hager Telecom and West Wisconsin. The fiber has been installed but the optical terminating equipment will not be delivered and installed until sometime in the first half of 1998.

Hager Telecom therefore requests a waiver of the January 1, 1998 deadline for the support of four-digit CICs. Without a waiver, it would need to spend \$258,000 to upgrade its Siemens Stromberg Carlson DCO switch which it plans to replace within the next year. The waiver therefore would permit Hager Telecom to

focus its resources on replacing its switch, rather than upgrading one that soon will be replaced.

Commission Precedent Supports Grant of the Waiver

Grant of a waiver is mandated by previous Commission decisions granting waivers to LECs who planned to replace switches shortly after the deadline for offering a new feature.

For example, when the Commission established a January 1, 1997 deadline for the provision of *82 caller ID unblocking, Pacific Bell requested, and was granted, a waiver until June 1, 1997. Pacific Bell stated that it planned to replace its switches in the first half of 1997, and that upgrading switches that it planned to replace would be inefficient. Pacific Bell noted that only 18,400 customers would be affected by the waiver. Memorandum Opinion and Order (Caller ID), 11 FCC Rcd. 12,756 para. 6 (1996). The Common Carrier Bureau (Bureau) granted the waiver. The Bureau agreed that it would be inefficient to upgrade switches which were going to be replaced, that the waiver would affect a small number of lines, that no objections had been filed, and that the waiver would last only a limited time. Id. para. 8.

Similarly, in the case at hand, it would be inefficient for Hager Telecom to upgrade the switch that it plans to replace, the waiver would affect only 1950 subscribers (about 1/10 of those affected by the Pacific Bell waiver request), no carriers have requested Hager Telecom to support four-digit CICs, and the

waiver would last only until the switch is replaced later in 1998. As the Bureau determined that Pacific Bell's waiver request would serve the public interest, see id., the Bureau also should determine that Hager Telecom's waiver request will serve the public interest.

Other LECs who planned to replace their switches received waivers of the equal access conversion deadlines. Central Utah Telephone, Inc. (Central Utah) planned to install new host and remote switches which would support equal access. Central Utah requested an extension of the equal access conversion deadline until its new switches were installed. The Bureau granted Central Utah's request. Memorandum Opinion and Order (Lackawaxen Telephone Company), 11 FCC Rcd. 9648 paras. 6, 8-9 (1995). Skyline Telecom, an affiliate of Central Utah, planned to participate in Central Utah's host/remote configuration. Skyline Telecom needed additional time to convert to equal access because its ability to provide equal access was dependent on Central Utah's installation schedule. The Bureau granted Skyline Telecom's request. Id. paras. 7-9. Skyline Telecom's predicament is similar to Hager Telecom's situation in the case at hand. Just as Skyline Telecom's provision of equal access was dependent on Central Utah's host/remote switch installation schedule, Hager Telecom's support of four-digit CICs is dependent on the installation of the fiber link to West Wisconsin's host and NorTel's delivery and installation of the remote switch. As the Bureau granted extensions of the equal access conversion

deadlines for Skyline Telecom and Central Utah, the Bureau should grant an extension of the four-digit CIC deadline for Hager Telecom.

This request also is supported by the Bureau's extension of the equal access conversion deadline for Lackawaxen Telephone Company (Lackawaxen). Lackawaxen planned to replace its switch within two years, and requested a two-year extension of the equal access conversion deadline. The Bureau granted Lackawaxen's request. Id. para. 5, 8-9. By comparison, Hager Telecom requests, at most, a one-year extension of the January 1, 1998 deadline. As the Bureau granted an extension to Lackawaxen, the Bureau should also grant an extension to Hager Telecom.

Finally, grant of a waiver would be consistent with the Commission's commitment to reducing the regulatory burdens on small telephone companies. See, e.g., Notice of Proposed Rulemaking (End User Common Line Charges), 10 FCC Rcd. 8565, 8580 (1995); Report and Order (Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services), FCC 97-352, released Sept. 30, 1997 (stating that in the 1996 Act, "Congress expressed particular concern about burdens placed on small and rural LECs"); Notice of Proposed Rulemaking (Regulation of Small Telephone Companies), 2 FCC Rcd. 1010, 1010 (1986) (minimizing regulatory burdens), adopted by 2 FCC Rcd. 3811 (1987) (Report and Order), recon., 3 FCC Rcd. 5770 (1988); LEC Price Cap Order, 5 FCC Rcd. 6786, 6818 (1990) (recognizing that small telephone companies should not be forced

into a regulatory regime that was designed based largely on performance of largest telephone companies); Report and Order (Regulatory Reform for Local Exchange Carriers Subject to Rate of Return Regulation), 8 FCC Rcd. 4545 (1993) (adopting a new and different set of optional incentive regulations designed specifically for smaller companies); Order on Reconsideration (Interstate Interexchange Marketplace), FCC 97-293, para. 105, released Aug. 15, 1997 (rejecting suggestion to require the deployment of SS7 which would impose greater burdens on small LECs); Second Report and Order (Telephone Number Portability), FCC 97-289, paras. 8-9, released Aug. 14, 1997 (stating that the Commission had reduced burdens on rural and smaller LECs).

For these reasons, Hager Telecom has demonstrated the unique facts and circumstances which warrant the grant of a waiver -- that is, its small size and its plans to replace its switch in 1998. In accordance with WAIT Radio v. FCC, 418 F.2d 1153, 1157 (1969), and Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990), the Bureau should grant a waiver.

CONCLUSION

Good cause having been shown, Hager Telecom respectfully requests the Commission to grant a waiver of the January 1, 1998 deadline for supporting four-digit CICs. Hager Telecom requests the waiver to extend to the end of 1998 by which time NorTel should have installed the new remote switch and the fiber link with West Wisconsin should be operational. Such waiver is

consistent with the Commission's policy of minimizing regulatory burdens on small telephone companies and other Commission decisions granting waivers to LECs who planned to replace their switches. A waiver also is justified by the unique facts and circumstances of Hager Telecom's planned switch replacement, and is otherwise in the public interest.

Respectfully submitted,

HAGER TELECOM, INC.

By

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November 19, 1997

CERTIFICATE OF SERVICE

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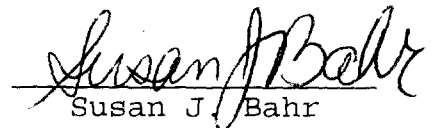
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